

claim 13." Since claim 13 is not itself a multiple dependent claim, it also does not run afoul of 37 CFR 1.75(c). Therefore, claims 13 and 14 are not in an improper form, as acknowledged by Examiner Cook during a telephone interview with the Applicants' attorney on April 1, 2003. Thus, the Applicants respectfully request reconsideration and withdrawal of these claim objections.

Double Patenting

The Examiner rejected claims 11-17 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of U.S. Application No. 09/513,783, now U.S. Patent 6,416,959.

The Applicants are herewith submitting a terminal disclaimer to obviate the rejection. Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim rejections under 35 U.S.C. §103(a)

On page 4 of the instant office action, the patent office stated that the Applicants arguments in the previous response were found persuasive to overcome the rejection of claims 11 and 12 under 35 USC 103(a) for allegedly being unpatentable over Taylor et al. (Optical Diagnostics of Living Cells and Biofluids, 2678: 15-27, 1996, "Taylor(96)") or Taylor et al. (American Scientist, 80:322-335, 1992, "Taylor(92)") in view of Hendzel et al. (Chromosoma, 1997, 106:348-360, "Hendzel"). Paragraph 7 of the office action states that the rejection of claims 11 and 12 under 35 USC 103(a) is withdrawn.

However, on page 6 of the office action, the same rejection is maintained. During the telephone interview between Examiner Cook and the Applicants' attorney on April 1, 2003, Examiner Cook acknowledged that the claim rejections under 35 USC 103(a) had been overcome, and that the inclusion of the rejection under 35 USC 103(a) on page 6 of the office action was in error.

Thus, the Applicants respectfully request that the inadvertent rejection under 35 USC 103(a) be withdrawn.

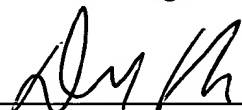
CONCLUSION

Based upon the above arguments, the Applicants respectfully submit that the claims are ready for allowance. If the Examiner believes that a telephone or personal interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned attorney at (312) 913-2106.

Date:

4/2/03

Respectfully submitted,
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